

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

DANIEL J. NATALE,

Case No. 3:12-CV-05723-KLS

Plaintiff,

VS.

ORDER OF REMAND

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Based on the stipulation of the parties, it is hereby ORDERED that the Commissioner's final decision be reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand the Appeals Council will instruct the ALJ to provide Plaintiff with the opportunity for a new hearing. The ALJ should also further:

1. Re-evaluate the medical expert, Dr. White's, opinion to which the ALJ previously gave significant weight, and if appropriate issue interrogatories to further ascertain Plaintiff's limitations given that Dr. White indicated that as of the date of the decision, Plaintiff met a Listing;

2. Re-evaluate Dr. Carpenter's opinion to which the ALJ previously gave significant weight, to address any assessed limitations not already adopted in the residual functional capacity finding:

3. In light of the re-evaluated opinions above, the ALJ should re-evaluate the opinions of psychiatrists Drs. Sattar and Schlegel, re-contact them for clarification if necessary.

and give their opinions due weight based on the evidence of record and their treating/examining history;

4. Re-assess Plaintiff's credibility;
 5. Re-assess Plaintiff's residual functional capacity; and
 6. If the ALJ determines that Plaintiff has sufficient non-exertional limitations, the
Court shall engage the services of a vocational expert at the remand hearing.

ALJ shall engage the services of a vocational expert at the remand hearing.

This case is reversed and remanded to the ALJ on the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

DATED this 1st day of February, 2013.

Karen L. Strombom
Karen L. Strombom
United States Magistrate Judge

Presented by:

s/ Willy M. Le
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